

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

JULY 23, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Ralph Welp, D.V.M. – Chairman
Dawn Frank, D.V.M. – Vice Chairman
Richard Headley, D.V.M.
Robin Waltz, D.V.M.
Patricia Kovach, D.V.M.
Susan Pedigo, R.V.T.
Frank Andrew, Consumer Member
James Scott, D.V.M., State Board of Animal Health

Board Members Absent:

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

WALTZ/KOVACH
Motion carried 7-0-0

III. ADOPTION OF THE MINUTES FROM THE MAY 28, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the May 28, 2008 meeting of the Board.

WALTZ/KOVACH
Motion carried 7-0-0

IV. APPEARANCES

A. RENEWAL

B. PROBATIONARY

1. State of Indiana v. Todd Cooney, D.V.M., License No. 24004650A
Administrative Cause No. 2005 VB 0007

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Dr. Cooney appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Cooney reported he is still practicing and being supervised by, Brian Moore, D.V.M., who practices ten miles away. He advised the Board that his CSR has been renewed and that he his DEA is still pending. In order to have his DEA granted Dr. Cooney will need to sign a Memorandum of Understanding which will be in place for three (3) years. All required reports have been submitted. He stated things are going well in his life and that he was recently married. Dr. Cooney was advised that his quarterly reports from Rick Gustafson and Dr. Mohr will be due at the end of the month. Dr. Cooney's next appearance is scheduled for December 3, 2008.

2. Carol E. Dartz, D.V.M., License No. 24003804A
Administrative Cause No. 99 VB 005

Dr. Dartz appeared before the Board, as requested, regarding her ongoing probationary status. The Board noted that Dr. Dartz is in compliance with her probationary order. Dr. Dartz reported that she has discontinued taking Antabuse on a daily basis but she did take it prior to attending a wedding. She stated she is doing well and is attending AA meetings, counseling, and a women's recovery group. Dr. Dartz is working full time with three other associates in her practice. Dr. Dartz requested the Board to change her appearances from quarterly to semi-annual. She stated that everything is going well in her recovery and that she has been appearing on a quarterly basis since April of 2007. Since Dr. Dartz's probationary order states that she is to appear as requested by the Board. The Board agreed to allow Dr. Dartz to make semi-annual personal appearances unless otherwise requested to appear.

C. APPLICATIONS

1. Ann E. Lynch, R.V.T.

Ms. Lynch appeared before the Board, as requested, regarding her application for registration as a veterinary technician. The Board tabled their decision on Ms. Lynch's application at the May 28, 2008 meeting because the records of the Indiana State Board of Nursing indicated she had not paid the fine imposed by the Board on December 26, 2007 regarding her licensed practical nurse license. Ms. Lynch submitted proof that the fine was paid on January 29, 2008. Ms. Lynch explained that she wrote the wrong license number on her check and the money was applied to another nurse license and not hers. Since that time the Board has clarified this error and she is now in compliance with her order.

Board Action: A motion was made and seconded to approve Ms. Lynch's application for registration and grant her registration.

HEADLEY/ANDREW
Motion carried 7-0-0

V. ADMINISTRATIVE HEARINGS

1. State of Indiana v. Peter L. Johnson, D.V.M., License No. 24003630A
Administrative Cause No. 2005 VB 0019
Re: Request to Withdraw Order of Probation

Parties and Counsel Present:

Respondent was present and was not represented by Counsel.
Mark Mader, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Welp (Hearing Officer)
Dr. Frank
Dr. Headley
Dr. Waltz
Dr. Kovach
Ms. Pedigo
Mr. Andrew

Case Summary: The Respondent petitioned the Board for a hearing to withdraw the Probation Order. The Respondent testified that he was placed on probation in July 2006 due to a 2002 advertisement he made for a business that he never got started. The advertisement had two issues; the first was the use of the term "board certified" and the second was the advertisement's offer to sell prescription products without having a veterinarian-client-patient relationship. The Respondent stated he never started the business because he bought a Banfield franchise and has been practicing there ever since. Respondent told the Board he does not do any advertising for his business it is all done by the corporate office. The Respondent entered into evidence exhibit #1 which were brochures used by the Banfield corporate office. He told the Board he has been fully compliant with the terms and conditions of his Probation and requests the Probation Order to be withdrawn. The State had no objection to the Respondent's motion.

Board Action: A motion was made and seconded to grant the Respondent's request and withdraw the Probation Order.

KOVACH/ANDREW
Motion carried 7-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements.

VII. NOTICE OF PROPOSED DEFAULT

There was no Notice of Proposed Default before the Board.

VIII. DISCUSSION

A. American Association of Veterinary State Boards

The Board reviewed the AAVSB memorandum providing 2008 mid-year activities and updates.

B. National Board of Veterinary Medical Examiners

The Board took notice of the NBVME quarterly newsletter.

1. The first part of the report is a general introduction to the project and its objectives. It also includes a brief history of the project and a description of the current status.

2. The second part of the report is a detailed description of the project's methodology. It includes a description of the data collection methods, the analysis techniques used, and the results of the analysis.

3. The third part of the report is a discussion of the project's findings. It includes a description of the results of the analysis, a comparison of the results with previous research, and a discussion of the implications of the findings. It also includes a conclusion and a list of references.

4. The fourth part of the report is a list of references. It includes a list of all the sources used in the project, including books, articles, and other documents.

5. The fifth part of the report is a list of appendices. It includes a list of all the additional materials included in the report, such as tables, figures, and other documents.

6. The sixth part of the report is a list of figures. It includes a list of all the figures included in the report, such as tables, charts, and graphs.

7. The seventh part of the report is a list of tables. It includes a list of all the tables included in the report, such as tables of data, tables of results, and tables of references.

8. The eighth part of the report is a list of references. It includes a list of all the sources used in the project, including books, articles, and other documents.

9. The ninth part of the report is a list of appendices. It includes a list of all the additional materials included in the report, such as tables, figures, and other documents.

10. The tenth part of the report is a list of figures. It includes a list of all the figures included in the report, such as tables, charts, and graphs.

11. The eleventh part of the report is a list of tables. It includes a list of all the tables included in the report, such as tables of data, tables of results, and tables of references.

12. The twelfth part of the report is a list of references. It includes a list of all the sources used in the project, including books, articles, and other documents.

13. The thirteenth part of the report is a list of appendices. It includes a list of all the additional materials included in the report, such as tables, figures, and other documents.

14. The fourteenth part of the report is a list of figures. It includes a list of all the figures included in the report, such as tables, charts, and graphs.

C. Sarah Maguffee
Husch Blackwell Sander, LLP

The Board reviewed a letter from Ms. Maguffee. She stated that their firm is evaluating the development of a product that would use blood to determine the pregnancy status of cows. Ms. Maguffee would like to confirm that withdrawing blood from a cow for use in determining pregnancy, placing the blood sample in an automated analyzer, and interpreting the test results would not be considered practicing veterinary medicine in the state of Indiana.

Board Action: A motion was made and seconded to table the discussion until the next September 17, 2008 meeting.

ANDREW WELP
Motion carried 7-0-0

D. Continuing Education Audit for Veterinarians and Registered Veterinary Technicians

The Board reviewed a spreadsheet that listed the names of practitioners who were chosen in the random audit. The spreadsheet also listed the programs each person attended, the sponsoring organization, the location and date of the program and how many credit hours were granted. Ms. Vaught advised the Board that of the thirty-eight (38) veterinarians chosen ten (10) were not fully compliant and of the twelve (12) registered veterinary technicians two (2) were not fully compliant. The Board reviewed the CE and granted full credit to two veterinarians. The veterinarians and veterinary technicians who were not compliant were:

Suzanne R. Biddle, R.V.T.
Carol a. Bolin, D.V.M.
Lesa Cooney, D.V.M.
Dale M. Cooper, D.V.M.
Tracy Lynn Davis, R.V.T.
Ashton W. Hammond, D.V.M.
Charles P. Hannon, D.V.M.
Michael A. Jones, D.V.M.
John Scott Stephan, D.V.M.
Michelle Sweet, D.V.M.

They will be notified by certified mail that they are not in compliance with continuing education audit. They will have twenty-one (21) days from the receipt of the notification to pay the civil penalty and six (6) months to complete the required continuing education.

E. Rule Readoption
Re: 888 IAC 1.1-3 Fees LSA 08-348

Ms. Vaught explained to the Board that administrative rules expire every seven (7) years if they are not readopted. The Board is required to review the rules to be readopted and determine that proposed rules do not impose any cost and requirements on small businesses pursuant to IC 4-22-2.5-3.1(C).

The proposed rules for readoption are 888 IAC 1.1-3 regarding fees which are listed below:

^a The number of subjects who were included in each group was 10.

It is important to note that the above results are based on the assumption that the data are stationary. If the data are non-stationary, the results may be biased. Therefore, it is important to test for stationarity before conducting the regression analysis.

1. *Pharmaceutical industry* – The pharmaceutical industry is the largest of the three industries, with sales of \$10.5 billion in 1997. It is the only industry in the sample that has a significant presence in all three markets. The industry is characterized by a high degree of concentration, with the top five firms accounting for 40% of sales. The industry is also characterized by a high degree of innovation, with a large number of new drugs being developed and marketed.

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888 IAC 1.1-3-2 Licensed veterinarians; fees
Authority: IC 15-5-1.1-8; IC 15-5-1.1-20.2; IC 25-1-8-2
Affected: IC 25-1-8-1

Sec. 2. The following fees shall apply to licensed veterinarians:

Application for licensure/issuance	\$150
Application for examination/issuance	\$150
License renewal (October 15 of each odd-numbered year)	\$100 biennially
Endorsement-reciprocity out	\$10
Duplicate license	\$10

888 IAC 1.1-3-3 Registered veterinary technicians; fees
Authority: IC 15-5-1.1-8; IC 15-5-1.1-20.2; IC 25-1-8-2
Affected: IC 25-1-8-1

Sec. 3. The following fees shall apply to registered veterinary technicians:

Application for registration/issuance	\$30
Examination	
Administrative fee made payable to the Health Professions Bureau	\$15 plus cost of veterinary technology examination payable to PES
Renewal of registration	\$15 biennially (January 1 of each even-numbered year)
Reinstatement of registration	\$10 plus current biennial renewal fee
Endorsement-reciprocity out	\$10
Duplicate registration	\$10

Board Action: After review and having considered the costs and requirements imposed on small businesses pursuant to IC 4-22—2.5-3.1(c), a motion was made and seconded to the readopt 888 IAC 1.1-3.

FRANK/WALTZ
Motion carried 7-0-0

IX. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

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X. PROBATIONARY REPORT

A. Rachel Clark, D.V.M.

Ms. Vaught advised the Board that the Counselor they had chosen from a list submitted by Dr. Clark was not accepting new patients. Dr. Clark submitted a letter asking if she can choose one of the other counselor's within the practice. The Board saw no reason why Dr. Clark could not see someone else within the same practice as long as the credentials were the same. Dr. Clark is not currently practicing veterinary medicine. She has not found a supervising veterinarian as required by her probationary order.

XI. CONTINUING EDUCATION

There was no continuing education to be reviewed by the Board.

XII. REPORTS

A. Consumer Complaints

Dr. Waltz reported that she reviewed two (2) complaints and recommended both to be closed.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach stated the CSAC meeting is this Friday so she does not have a report.

C. State Veterinarian's Report- Dr. Scott

- Dr. Scott reported the meat and poultry division hosted a Federal audit on-site review of Indiana's program.
- Dr. Marsh is at the AVMA meeting.
- He toured the new NESTLE plant in Anderson and said milk creamer will be produced there.
- BOAH is searching for a new ADDL Director
- The Indiana State Fair begins August 6th.
- They are getting requests to consider a meat grading program and a rule has been passed that allows BOAH to look into the specifics of how this could be done and if there is a need for it.

XIII. OLD/NEW BUSINESS

- A.** Dr. Waltz asked the Board about whether rabies clinics could be reinstituted if they met the appropriate standard of care. The Board discussed several issues concerning rabies clinics and determined this issue may be addressed by proposing an administrative rule.
- B.** Dr. Waltz stated that she would like the Board to be more aware of what is happening with other state boards because she has read some interesting articles in DVM Magazine. Dr. Welp told the Board if they want to add an item to the agenda then all they need to do is notify Cindy and send her whatever information they have so those items can go in the agenda packet.

XVI. OTHER ITEMS FOR CONSIDERATION


There were no other items for consideration.

XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:00 p.m.


Ralph Welp, D.V.M., Chairman

10-29-08
Date


Dawn Frank, D.V.M., Vice Chairman

10.29.08
Date